

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
October 9, 2012**

A regular session of the Winchester Common Council was held on Tuesday, October 9, 2012 in the Council Chambers, Rouss City Hall. President Jeffrey Buettner called the meeting to order at 7:00 p.m.

PRESENT: President Jeff Buettner; Councilor Evan Clark, John Tagnesi, Les Veach and Ben Weber; Vice-Mayor Milt McInturff; Mayor Elizabeth Minor; Vice-President John Willingham (8)
ABSENT: Councilor John Hill (1)

INVOCATION – Father Stanley Krempa of Sacred Heart Catholic Church delivered the invocation.

PLEDGE OF ALLEGIANCE – Mayor Minor led the citizens and councilors in the Pledge of Allegiance.

APPROVAL OF MINUTES – September 11, 2012 Regular Meeting

Vice-President Willingham moved to approve the minutes from the September 11, 2012 Regular Meeting. *The motion was seconded by Councilor Veach then approved 8/0.*

REPORT OF THE MAYOR

Mayor Minor stated she hopes everyone took the opportunity to attend the First Farm and Agricultural Day on the Old Town Mall. There were approximately 4000 people in attendance. She stated the children especially enjoyed the farm animals that were there and the demonstrations such as how to milk a cow. It was a fun, educational day.

REPORT OF THE CITY MANAGER

City Manager Dale Iman was not present at the meeting.

REPORT OF THE CITY ATTORNEY

City Attorney Anthony Williams stated he wanted to call attention to three items on the agenda tonight. First, the OTDB ordinance on the agenda for first reading contains several amendments based on the comments and amendments Council made at the Work Session. The second item is in regards to the Taylor Hotel. As a result from discussions between the ED Director and HUD today, an alternative resolution was distributed

tonight that is recommended for adoption. Third, O-2012-32 regarding a vacation on Battaile Drive has been added for a first reading. The item was previously adopted in 1993 but the time frame to act on the ordinance has expired and the ownership has transferred. The version in front of Council tonight is to amend the ordinance to be usable today.

PUBLIC HEARINGS

O-2012-28: Second Reading – AN ORDINANCE TO REZONE 1.48 ACRES OF LAND AT 302-304, 320, AND 326-330 NORTH CAMERON STREET AND 110 EAST FAIRFAX LANE (Map Numbers 173-01-S-1, 2, 3 & 4) FROM COMMERCIAL INDUSTRIAL (CM-1) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO CENTRAL BUSINESS (B-1) DISTRICT WITH HW DISTRICT OVERLAY RZ-12-353

Lawton Saunders of 407 W. Monmouth Street stated he is representing Glaize Properties. This ordinance completes the rezoning on the property. The property is being built using historical tax credits. The site plan will need to be approved by the Planning Commission but it will fit in with what is already in the area.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:08 p.m.

Vice-President Willingham moved to adopt O-2012-28. *The motion was seconded by Councilor Veach then adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Clark	Aye
Councilor Hill	Absent
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Aye
Councilor Weber	Aye
Vice-President Willingham	Aye
President Buettner	Aye

CU-12-404: Conditional Use Permit – Request of Greenway Engineering for a Conditional Use Permit for multifamily dwelling at 443 Millwood Avenue (Map Number 233--08--40A) zoned Highway Commercial (B-2) District

No citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:09 p.m.

Vice-President Willingham moved to approve CU-12-404. *The motion was seconded by Councilor Clark then approved 8/0.*

PUBLIC COMMENTS

Shawn Roop of 448 N. Braddock Street stated the skate pavilion will be a great outlet for the children in Winchester. They will stop skating in the city where it is illegal only if they have a facility. His main concern is that the fundraising is at a standstill. He is not sure who can say the fundraising can start but there are going to be patrons coming here that are going to say this is needed. He wants to get the ball rolling and already has donations ready to go. He asked Council to direct him in the right direction.

No further citizens came forward to address Council concerning this issue and the President declared the public hearing closed at 7:14 p.m.

CONSENT AGENDA

AGENDA

O-2012-29: First Reading – AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 29-16, 29-19, AND 29-20 OF THE WINCHESTER CITY CODE PERTAINING TO UTILITY BILLING TERMS AND DEPOSITS

O-2012-31: First Reading – AN ORDINANCE TO AMEND THE WINCHESTER CITY CODE PERTAINING TO REAL ESTATE EXEMPTION BY CLASSIFICATION AND DESIGNATION

O-2012-30: First Reading - AN ORDINANCE TO AMEND AND RE-ADOPT CHAPTER 25, ARTICLE II, DIVISION 2 OF THE WINCHESTER CITY CODE PERTAINING TO THE OLD TOWN DEVELOPMENT BOARD

O-2012-32: First Reading - AN ORDINANCE TO VACATE AN APPROXIMATELY 10-FOOT PORTION OF BATTAILE DRIVE APPROXIMATELY 678 FEET IN LENGTH ADJACENT TO 391 AND 403 BATTAILE DRIVE AND CONVEY IT TO THE OWNER(S) OF THE ADJACENT PROPERTY SV-12-491

R-2012-69: Resolution – Approval and authorization to execute the new Water Supply Agreement with Middletown

Vice-President Willingham moved to approve R-2012-69. *The motion was seconded by Councilor Tagnesi then approved 8/0.*

R-2012-71: Resolution – Authorization to designate of a portion of Christianson Familyland Pavilion and Shuffleboard Court in Jim Barnett Park as a Skate Park

Mayor Minor moved to approve R-2012-71. *The motion was seconded by Councilor Veach then approved 8/0.*

R-2012-70: Resolution – Authorization to execute DMV Grant

Councilor Veach moved to approve R-2012-70. *The motion was seconded by Councilor Clark then approved 8/0.*

R-2012-73: Resolution – Adoption of the Downtown Strategic Plan

Vice-President Willingham moved to approve R-2012-73. *The motion was seconded by Councilor Clark then approved 8/0.*

R-2012-76: Resolution – Approval of contract for Special Event Promoter and authorization for the City Manager to sign all necessary documents

Vice-President Willingham moved to approve R-2012-76. *The motion was seconded by Councilor Veach then approved 8/0.*

R-2012-74: Resolution – Approval of application to VDOT for Revenue Sharing Funds – FY 2013-14

Vice-President Willingham moved to approve R-2012-74. *The motion was seconded by Councilor Veach then approved 8/0.*

R-2012-75: Resolution – Approval and authorization to execute contract with Lantz Construction for the demolition and stabilization of 119-129 North Loudoun Street (Taylor Hotel)

Councilor Veach moved to approve R-2012-75. *The motion was seconded by Mayor Minor then approved 7/0/1 with Vice-President Willingham abstaining.*

Motion to approve Fund Balance Policies

Vice-President Willingham moved to approve the Fund Balance Policies. *The motion was seconded by Councilor Weber then approved 8/0.*

Motion to appoint Randy Moulton and Les Veach as members of the Frederick-Winchester Service Authority to a three year term each expiring August 31, 2015

Vice-President Willingham moved to ~~approve~~**table** the appointments of Randy Moulton and Les Veach to the Frederick-Winchester Service Authority. *The motion was seconded by Councilor Clark then approved 8/0.* ***Clerk's Note: At the February 12, 2013 Council meeting, a motion was approved to correct and amend the October 9, 2012 minutes due to a clerical error regarding the appointments to the Frederick Winchester Service Authority.**

Motion to appoint William Pifer as a member of the Board of Equalization of Real Estate Assessments to a one year term expiring December 31, 2013

Vice-President Willingham moved to approve the appointment of William Pifer to the Board of Equalization of Real Estate Assessments. *The motion was seconded by Vice-Mayor McInturff then approved 8/0.*

Motion to re-appoint J.P. Carr and Suzanne Conrad as a member of the Economic Development Authority to a four year term expiring August 31, 2016

Councilor Veach moved to approve the re-appointments of J.P. Carr and Suzanne Conrad to the Economic Development Authority. *The motion was seconded by Vice-President Willingham then approved 8/0.*

Motion to appoint Judy Lloyd, Lisa McCoig, and Eugene Schultz as members of the Handley Library Board to a four year term each expiring November 30, 2016

Councilor Veach moved to approve the appointments of July Lloyd, Lisa McCoig, and Eugene Schultz to the Handley Library Board. *The motion was seconded by Vice-President Willingham then approved 8/0.*

Motion to re-appoint Larry Omps as a member of the Juvenile Detention Commission to a four year term expiring December 31, 2016

Councilor Tagnesi moved to approve the re-appointment of Larry Omps to the Juvenile Detention Commission. *The motion was seconded by Councilor Clark then approved 8/0.*

Motion to appoint Richard Ridgell as a member of the Lord Fairfax EMS Council to a three year term expiring June 30, 2015

Councilor Veach moved to approve the appointment of Richard Ridgell to the Lord Fairfax EMS Council. *The motion was seconded by Vice-President Willingham then approved 8/0.*

Announce the term expiration of Dave Shore as a member of the Planning Commission effective December 31, 2012. Mr. Shore is not eligible for re-appointment.

Announce the term expirations of Patrick Farris and Kate Christen as members of the Tree Commission effective December 31, 2012. Mr. Farris and Ms. Christen are eligible for re-appointment.

Announce the term expirations of Ron Mislowsky, Cheryl Connolly, and Tim Machado as members of the Community Development Committee effective December 31, 2012. Mr. Mislowsky, Ms. Connolly, and Mr. Machado are not eligible for re-appointment.

Motion to add the confirmation of the determination of the Ad Hoc Community Safety Committee regarding the Taxicab Driver's Permit of Charles Sweeney

Councilor Tagnesi moved to add the Ad Hoc Community Safety Committee's determination to the agenda. *The motion was seconded by Vice-President Willingham then approved 8/0.*

Motion to approve the Ad Hoc Community Safety Committee's recommendation to suspend the Taxicab Driver's Permit of Charles Sweeney pending final disposition of Case No.: GC12012249-00 currently in Frederick County General District Court with a provision for automatic revocation upon conviction or reinstatement upon acquittal of the criminal charges in this case.

Councilor Tagnesi moved to approve the Ad Hoc Community Safety Committee's recommendation. *The motion was seconded by Councilor Clark then approved 8/0.*

EXECUTIVE SESSION: MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION

Vice-President Willingham moved to convene into executive session at 7:23 p.m. *The motion was seconded by Councilor Clark then approved 8/0.*

President Buettner left the meeting at the beginning of the Executive Session.

Councilor Weber moved to reconvene in open session at 8:16 p.m. *The motion was seconded and approved 7/0.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

A roll call vote was taken, the ayes and nays being recorded as shown below:

MEMBER	VOTE
Councilor Clark	Aye
Councilor Hill	Absent
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Aye

Councilor Veach	Aye
Councilor Weber	Aye
Vice-President Willingham	Aye
President Buettner	Absent

ADJOURNMENT

Mayor Minor moved to adjourn the meeting at 8:16 p.m. *The motion was seconded by Councilor Tagnesi then approved 7/0.*

Kari J. Van Diest, CMC
Deputy Clerk of the Common Council